

Officers Report

Planning Application No: 140958

PROPOSAL: Planning application for creation of pedestrian footway to connect existing paths to the north and south, with associated lighting and boundary treatments.

LOCATION: Land to the south side of Albion Works Ropery Road Gainsborough Lincs DN21 2QB

WARD: Gainsborough South West

WARD MEMBER(S): Cllr J A Rainsforth, Cllr T V Young

APPLICANT NAME: Acis Group

TARGET DECISION DATE: 30/06/2020

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission

Description:

The application site sits to the west of Sinclair Animal & Household Care and other industrial buildings and to the south west of Riverside Approach a fairly modern housing estate. The site is immediately adjacent to the River Trent.

The application seeks permission for the creation of a pedestrian footway of to connect existing paths to the north and south, with associated lighting and boundary treatments.

Relevant history:

119938 – Planning application for flood defence works (4 sections) – Section 1 - footpath improvements. Section 2 – Install ground anchors and bank protection. Section 3 – Install ground anchors and bank protection and new sheet pile wall and localised raising of concrete wall. Section 4 – cut off wall and localised raising and widening of bund. Permission granted 17/07/07

Representations:

Chairman/Ward member(s): No representations received to date

Gainsborough Town Council: No objections

Local residents: Objections received from 1 The Quays and 18, 26, 36, 51, 53, 55, 57, 61 and 73 Riverside Approach with the main concerns –

- Loss of privacy

- Safety of resident
- No mention of any improvements to residents' safety such as cameras
- No consideration to the residents
- Sinclair Animal and Housing Care Ltd is still operational so connection would not be possible
- No benefit in opening the walkway just to increase the footfall of pedestrians walking though the small estate
- Covid-19 guidance state all should remain 2 metres apart this would be extremely difficult for the residents of the river facing properties of Riverside Approach. Would result in possible infection and anxiety alongside mental health problems
- Street lighting has not been working
- Increased risk of garden theft and burglary
- Security cameras and lighting need to be installed
- Cleanliness of the area. Residents take responsibility of keeping area clean. Council need to ensure the area is cleaned daily
- Bins should be increase, including dog waste bins
- Regular painting of the street furnishings should be increased
- Decrease in property value
- Trouble with groups congregating
- Increased pollution and possible damage to property
- Dogs walking along will cause danger
- No CCTV
- More traffic, litter, footfall and noise unnecessarily
- Issues with anti-social behaviour
- Loss of view
- Issues with motorbikes riding the footpaths
- Would want taller more security fencing to be installed at the rear of The Quays
- Should be barriers to prevent motorbikes
- Should be a form of secure gated access for the residents

1 general observation received from 67 Riverside Approach –

In summary -

Safety

Installation of CCTV cameras to monitor the pathway as it successfully does on the present pathway.

Signage and prevention of access to vehicles.

Clearly marked access points for emergency vehicles to stop parking and preventing their access.

Lifesaving equipment to be provided and maintained in accordance with

Health and Safety

standards for any waterside risk assessment where public have immediate access to water.

Hygiene

The excellent cleaning standard that takes place near other residential properties on the Riverside pathway will be extended to this part of the footpath. There will be consultation with residents regarding the placement of litter and dog bins.

Privacy

Memorial benches will not be placed on this narrow stretch of the footpath paying regard to resident's privacy.

A maintenance schedule will be in place starting with the immediate attention of street lighting functioning in this area. We should not have to wait for this work to be completed for residents to have street lighting. Street lights on the Riverside footpath are not turned off and we would expect the same. The movement sensitive street lights that are on the darkest part of Riverside walk would not be acceptable here as the majority of bedrooms are to the rear of the properties.

Please respect the safety of our homes, children and the mental wellbeing of our residents when making your decisions. If this is done with understanding and continual monitoring on all the levels I have mentioned this could be for the greater good of everyone.

A petition has also been received for CCTV cameras that are monitored in accordance with existing provision on the Riverside Path, Gainsborough in residential areas.

The footpath directly adjoins residential property and we oppose any opening of the footpath that will decrease the safety, mental wellbeing, hygiene and detrimentally affect the peaceful enjoyment of our homes. We also feel that any change to the footpath would negatively affect the value of our homes, safety of children and aesthetics of the environment and wildlife.

The petition has 58 signatures from residents of Riverside Approach.

LCC Highways/Lead Local Flood Authority: No objections

Lincolnshire Police: AWAIT CONSULTATION RESPONSE

Public Rights of Way: No objections

LCC Minerals and Waste Team: No representations received to date

Environment Agency: No objections – information for applicants

Archaeology: No representations received to date

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); the Submitted Gainsborough Neighbourhood Plan; and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP40: Gainsborough Riverside

LP41: Regeneration of Gainsborough

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is in a Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/>

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**
- *National Design Guide (2019)*

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Submitted Gainsborough Neighbourhood Plan**

Gainsborough Town Council has formally submitted its Neighbourhood Plan and supporting documents for consideration as part of the Neighbourhood Plan Regulations 2012 (as amended). West Lindsey District Council (WLDC) are now consulting with the public and consultation bodies.

Relevant policies include:

NPP 2 Protecting the Natural Environment and Enhancing Biodiversity

The plan can be attached some weight.

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/gainsborough-town-neighbourhood-plan/>

Main issues

- Principle
- Local Objection
- Minerals

Assessment:

Principle

CLLP policy LP40: Gainsborough Riverside states that all relevant development proposals on sites adjacent to the River Trent must assist in the delivery of the long

term aim of creating an uninterrupted and attractive pedestrian and cycle corridor connecting Gainsborough's riverside area with the settlements of Lea to the south and Morton to the north. Proposals should also seek to improve connectivity between the riverside and other parts of the town, including the new urban extensions.

Where relevant, proposals for sites adjacent to the River Trent must seek to extend and enhance the existing public realm improvements and deliver an enhanced pedestrian and cycle network.

Proposals should take account of the need to provide an easement strip behind the flood defences to facilitate ongoing access for future maintenance and repair.

In addition to the above, all development proposals adjacent to the river will be expected demonstrate that the requirements of the Water Framework Directive have been duly considered and must ensure that there will be no deterioration to the river as a result of the development.

Policy LP41 states that development proposals should assist, where possible, in meeting wider regeneration and investment objectives for Gainsborough, including the most up to date Gainsborough Masterplan.

In particular, development proposals will be supported which:

- **Enhance linkages to** / from Marshall's Yard, Market Place, Market Street, **the Riverside** and any other key heritage assets;
- Strengthen the existing retail area of the town centre, through increased and/or improved retail offer, together with some complementary uses as appropriate;
- Deliver mixed use regeneration of the Riverside Area, including high quality public realm provision; and / or
- Deliver improved public transport facilities and connections.

The proposal is to create a footpath that connects up the existing footpaths along the Riverside to the north. One of the main emphasises running through policies LP40 and LP41 is to improve and enhance linkages and connectivity to the Riverside. The proposal would be in accordance with policies LP40 and LP41.

Policy LP13 states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area.

The proposal would not be detrimental to the character of the area. The footpath enhances the character by allowing increased access to the riverside. The proposed

footpath would connect to the existing riverside walkway enabling access from the west of Riverside Approach. The walkway responds positively with the current features.

Paragraph 104 of the NPPF states that planning policies should:

d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)

Policies LP40 and LP41 are consistent with the NPPF and attached full weight.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy LP13 is consistent with the NPPF is attached full weight.

Submitted Gainsborough Town Neighbourhood Plan policy NPP 2 (10) states that development on sites adjacent to the River Trent are required to

a) produce landscape proposals that recognise the significance of the River Trent as a wildlife corridor. The proposals for a Riverside walkway should demonstrate how this can also be a buffer zone between development and the River;

Whilst this policy seems to mainly relate to other development on sites, with a walkway as a buffer to these developments, a riverside walkway is promoted. The proposal is for a walkway in itself and would therefore be in accordance with the Neighbourhood Plan. In accordance with paragraph 48 of the NPPF the neighbourhood plan can be attached some weight. The proposal is adjacent to an industrial site and therefore appropriate boundary treatments are required as separation. The proposed boundary treatment is 2.4m high galvanised steel security fence which would be acceptable.

Local Objection

There has been a number of local objections to the proposal from the residents of Riverside Approach with regards to safety, antisocial behaviour and fear of crime.

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

The walkway is proposed to be maintained by West Lindsey District Council with potential that the walkway be adopted by Lincolnshire County Council in the future.

The proposal does not provide a new footpath adjacent to Riverside Approach, this is already in situ but a new footpath to connect the Riverside Approach Footpath with the Riverside Walkway which is also existing. The site proposal is land to the south side of Albion Works.

Currently on the existing footpath, fencing blocks access to the north. Residents are concerned that the fencing is to be removed which would then allow access onto the Riverside Walkway on Bowling Green Road. The removal of this fencing is not part of the application but could be removed without planning permission by its owners.

The proposal does not include vegetation but rather is open with street lighting. This therefore would allow for natural surveillance and avoids the creation of areas of concealment. Lighting can effectively support formal and informal surveillance.

Guidance from the police state that footpaths should be as straight as possible, at least 3m wide and well lit, devoid of hidden recesses or potential hiding places and overlooked by surrounding properties.

The footpath is approximately 4.5m through most parts of the footpath with a few pinch points the smallest being 2.7m due to a building position on the industrial site. The footpath is predominantly straight, will be lit, doesn't have any hiding places and will be overlooked, allowing natural surveillance.

The police have indicated that they are not likely to object but we are awaiting written comment.

As part of the wider project works have been taking place to include provision of CCTV and this would be integrated with the installation of street lighting. This should be conditioned.

It is not considered that there will be a detrimental impact with regards to residential amenity and the proposal overall will bring wider public benefits with access to the Riverside.

127 (f) states that planning policies and decisions should ensure that developments:

- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy LP26 is consistent with the NPPF and is attached full weight.

The proposal fully accords with the plan aspirations under policy LP40 of the Central Lincolnshire Local Plan.

Minerals

The site sits within a Minerals Safeguarding Area and therefore policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy is applicable.

This requires applications for non-minerals development to assess the implications of the development on the Minerals Safeguarding Area allocation to ensure that the granting of permission would not sterilise mineral resources within the Minerals Safeguarding Area or prevent the future minerals extraction on neighbouring land.

Whilst the Minerals Safeguarding Area allocation does not mean that extraction will take place, an assessment of the impact of the proposed development on the designation is required.

Policy M11 lists criteria that should be considered in the preparation of a planning application in order to demonstrate policy compliance.

The agent has submitted a short statement to address policy M11. The Minerals and Waste Team at LCC have been consulted on the application but to date have not commented.

The application is essentially to change the surface from concrete hardstanding to tarmac. The proposed development is in an urban location where mineral extraction itself would be inappropriate and would be harmful.

In this case even without a comment from the Minerals and Waste Team it is considered that this would be acceptable and in accordance with policy M11.

Other matters

There are no concerns with regards to highway safety.

Devaluation of property is not a material consideration.

Painting of street furniture is not a material consideration.

There is not deemed to be a loss of a view with regards to the proposal.

The proposal is wide enough to adhere with social distancing.

The proposal lies within Flood Zone 2. There are no concerns with regards to flooding. The EA have been consulted and raise no objections.

Issues with motorbikes riding on pavements is a police matter.

Conclusion

The proposal has been considered against the Development Plan namely policies, LP1: A Presumption in Favour of Sustainable Development, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP40: Gainsborough Riverside and LP41: Regeneration of Gainsborough in the Central Lincolnshire Local Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance, the Lincolnshire Minerals and Waste Local Plan and the submitted Gainsborough Town Neighbourhood Plan. The proposal would not have a detrimental impact on the character of the area, residential amenity, highways, does not conflict with neighbouring

land uses or harmfully impact on a minerals resource and is recommended for approval subject to the following conditions –

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None

Conditions which apply or are to be observed during the course of the development:

2. With the exception of the detail matters referred by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 3024.09.010A dated March 2020 and 3024.09.002E dated March 2020. The works shall be in accordance with the details shown on the approved plans and in any other documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

3. Prior to first use of the footpath, details of any new railings to be installed on the existing concrete wall shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site.

4. Prior to first use of the pedestrian footway, the street lighting and CCTV shall be installed and fully operational and retained thereafter.

Reason: In the interests of highway safety and residential amenity.

Conditions which apply or relate to matters which are to be observed following completion of the development:

None

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report